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DECISION

THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D. C. 20548

FILE: B-193642

DLG 00432

DATE: December 29, 1978

MATTER OF: Evans Janitorial Services

[Untimely Protest Against Alleged Impropriety in Invitation Requirements]

DIGEST:

Protest against alleged impropriety in invitation requirements which was apparent prior to bid opening is untimely filed and not for consideration on merits since filed after, rather than prior to, bid opening.

Evans Janitorial Services protests against the making of an award to any bidder under Department of the Army invitation for bids No. DAKF-40-79-B-0003 on the basis that the invitation bid bond requirement creates a discriminatory situation wherein companies with huge resources are effectively given the exclusive right to bid on the procurement.

This protest was received by our Office on December 5, 1978. We have been advised by the Department of the Army that bid opening under the invitation took place on November 30 and that prior to that date Evans Janitorial Services had not lodged a protest with the contracting activity (one was received though also on December 5).

It is provided in our Bid Protest Procedures at 4 C.F.R. § 20.2(b)(1) (1978) that protests against alleged improprieties in a solicitation which are apparent prior to bid opening (as was the bid bond requirement here) must be filed with our Office (or with the procurement office) prior to bid opening. Since the present protest was not filed until after bid opening, it is untimely filed and, consequently, not for our consideration on the merits.

Milton J. Socolar

Milton J. Socolar
General Counsel

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